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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,115	05/14/2001	Octavius J. Morris	GB 000068	8730

24737 7590 01/26/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER
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SENF1, BEHROOZ M

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/855,115

**Applicant(s)**

MORRIS ET AL.

**Examiner**

Behrooz Senfi

**Art Unit**

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/27/2004, fwd. 11/20/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments (filed 9/27/2004, fwd. 11/20/2004) have been fully considered but they are not persuasive. Therefore the previous ground of rejection still applies for the same reason as set forth in the last office action (paper no. 5, dated 6/21/2004).

#### **Response to remarks:**

Applicant asserts (page 6, lines 18 – 19 of the remarks, filed 9/27/2004) that Dieterich fails to disclose or suggest the “encoded data is read into the encoder buffer and subsequently read out therefrom on completion of encoding of the data”.

In response; Examiner respectfully disagrees with applicant. Dieterich '278 as cited in previous office action (paper no. 5, dated 6/21/2004) discloses controlling of the overflow and underflow condition of the buffer, which indicates that the data has to be read in and reads out from that buffer (col. 14, lines 22 – 27), which meets the limitations as claimed. The grounds are being restated for applicant convenience.

2. Claims 1 – 4, 6 – 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Dieterich (US 6,233,278).

Regarding claims 1 - 2, 6 Dieterich '278 discloses “a method for encoding of a Digital video image signal in an encoder apparatus having a coding stage and an encoder buffer” (i.e. figs. 1 and 6), and “encoding image fields of the signal in compliance with a predetermined coding scheme” (i.e. col. 13, lines 55+), and “reading the encoded field data into the buffer and subsequently reading the stored data out of

Art Unit: 2613

the buffer at a bit rate determined at least partially by the fullness of the buffer, and where in each image field is encoded as a series of slices each comprised of a predetermined number of successive lines of the field with a predetermined number of data bits allocated for the encoding of a slice .....” (i.e. col. 14, lines 21 – 42).

Regarding claims 3 - 4, 8, 9 Dieterich '278 discloses the claimed “intra-coded” (i.e. col. 5, lines 52 – 53), and “quantization levels is chosen with respect to number of bits allocated” (i.e. fig. 6, rate control 630, col. 14, lines 40 – 47).

Regarding claim 7, the limitations claimed are substantially similar to claim 2, therefore the grounds for rejecting claim 2, also apply here.

Regarding claim 10, the claimed “decoder .....” reads on (i.e. fig. 7, 712) of Dieterich '278).

3. Claims 5, 11 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dieterich (US 6,233,278) in view of Kato et al (US 6,535,556).

Regarding claims 12 and 13, Dieterich '278 teaches “a method for encoding of a Digital video image signal in an encoder apparatus having a coding stage and an encoder buffer”, which can receive the information from a camera or camcorder or any imaging devices or storage devices (i.e. figs. 1 and 6, col. 16, lines 58 – 63). Although Dieterich '278 fails to explicitly teach “removable storage device comprises an optical disk”. However Kato '556 (i.e. col. 13, lines 55 – 65) teaches the use of “optical disk” as claimed. Therefore, using an “optical disk or removable optical disk as a storage device” consider an obvious variation over Dieterich '278 teaching of using various kind

Art Unit: 2613

of storage devices and make it obvious to one skilled in the art at the time of the invention was made to use a removable HD or storage for communication purpose.

Regarding claim 5, combination of Dieterich '278 and Kato '556 teaches the claimed "slice comprises sixteen luminance lines" (i.e. col. 4, lines 24 – 26 of Kato).

Regarding claim 14, the limitations claimed are substantially similar to claim 13, therefore the grounds for rejecting claim 13 also applies here.

Regarding claim 11, the claimed "source of the images are a remote source" are conventional and well known in the prior art of the record (like, video conferencing, communication/internet, video on demand/VOD and etc.). Official Notice

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications

Art Unit: 2613

from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**


**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. S.

1/24/2005

  
CHRIS KELLEY  
SUPERVISOR, PATENT EXAMINER  
TECHNOLOGY CENTER 2600